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10/659,613	09/10/2003	John Francois Brumlik	BRUMLIK.001DV1	5556

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KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE, CA 92614

EXAMINER

CHAUDHRY, SAEED T

ART UNIT	PAPER NUMBER
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1746

DATE MAILED: 08/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/659,613

Applicant(s)

BRUMLIK, JOHN FRANCOIS

Examiner

Saeed T Chaudhry

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 31-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-35 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9-10-2003.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

**DETAILED ACTION**

**Election/Restriction**

Restriction to one of the following inventions is required under 35 U.S.C. 121:

Group I, Claims 1-30, drawn to a method of cleaning a location by providing a solution in a body; opening an exit valve; opening a pressure release valve and applying said cleaning surface in contact with a location, classified in Class 134, subclass 8.

Group II, Claims 31-35, drawn to a method of cleaning toilet by applying a disposable cleaner, classified in Class 134, subclass 42.

Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case Group I, claims 1-30 do not require a disposable cleaner or the Group II, claims 31-35 do not require an exit or a pressure valve.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, have acquired a separate status in the art because of their recognized divergent subject matter, the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

During a telephone conversation with Mr. Sabing Lee on July 23, 2004 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-30. Affirmation of this election must be made by applicant in responding to this Office action. Claims 31-35 are withdrawn from further consideration by the Examiner, 37 C.F.R. § 1.142(b), as being drawn to a non-elected invention.

### **The Title**

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### **The Abstract**

The Abstract of the Disclosure is objected to because it is directed to an apparatus and not to a method as claimed herein. Correction is required. See M.P.E.P. § 608.01(b).

### **Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (c) he has abandoned the invention.
- (d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months before the filing of the application in the United States.
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.
- (f) he did not himself invent the subject matter sought to be patented.
- (g) before the applicant's invention thereof the invention was made in this country by another who had not abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

**Claims 1-5 are rejected under 35 U.S.C. § 102(b) as being anticipated by Martin et al.**

Martin et al (1,099,262) disclose a method for cleaning a location such as typewriters letter presses or other writing and printing material by applying a brush by which the cleaning can be done easily and thoroughly. Martin et al provide a brush comprised of a body 10, a

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bristled cleaning surface wherein the bristles extend perpendicularly from the longitudinal axis of the body, an outlet valve 13 and a pressure release valve 25. The outlet and pressure release valves functions simultaneously. The rear or butt end of the of the handle 10 is closed by a lug 23 having a central air port rod carries a valve 25 which seats over the air port when the rod is in retracted position to prevent leakage of the cleaning liquid from the butt end of the handle. When the rod is pushed into open the valve 13 the valve 25 is unseated and air is allowed to enter the hollow of the handle containing the supply of cleaning liquid, and the latter is freely discharged. The cap is removable from the handle 10, in order to be filled with cleaning liquid (see Figures 1-2 and lines 9-106). Martin et al disclose all the steps for cleaning the location as claimed herein. Therefore, Martin et al anticipate the claimed process.

**Claims 1-5 are rejected under 35 U.S.C. § 102(b) as being anticipated by Anthony.**

Anthony (894,359) disclose a method for sweeping a surface with a broom. The broom comprising a handle body 12 having a reservoir therein, a removable cap 15 having a pressure release opening therein, a separate base 21, 24 having an exit orifice thereon, a rod 29, a first sealing member 28 defining with the exit orifice an outlet valve, a second sealing member 16 defining with the pressure release opening a pressure release valve for sealing the pressure release opening, a bristled cleaning surface 5 (wherein "at least a portion of the bristles extend generally perpendicular" to the longitudinal axis of the body, i.e. viewing Fig. 1, the portion of the bristles immediately adjacent to the outlet valve (the top curved portion of the bristles extends "generally perpendicular" to the longitudinal axis of the device) and the actuator 17. The pressure release opening and exit valve 28 open simultaneously, when the rod is pressed to

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dispense the cleaning liquid. Anthony discloses all the steps for cleaning the location as claimed herein. Therefore, Anthony anticipate the claimed process.

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made

The factual inquiries set forth in *Graham v. John Deere Co.*, 148 USPQ 459, that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or unobviousness.

**Claims 6-14 and 16-30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Martin et al or Anthony in view of Samad.**

Martin et al and Anthony were discussed supra. However, the references fail to clean a toilet.

Samad (5,984,555) disclose a method and apparatus for cleaning a toilet bowl by contacting brush having bristles and supplying cleaning liquid through a syringe into the brush. The toilet brush comprising: an elongate handle; a brush head connected to a first end of said elongate handle for cleaning an interior surface of a bowl of a toilet; means for dispensing bleach to said first brush head to enhance cleaning of the interior surface of the bowl comprising said elongate handle being a tube having a curved lower portion with a plurality of holes there through to said first brush head, said tubular wire frame having a plurality of apertures there through, and said brush head is fluidly connected thereto, and a syringe dispenser fluidly

connected to a generally straight upper portion of said tube so that when said syringe dispenser is manually operated the bleach will travel through said tube and out of said holes in said curved lower portion into said brush head (see Figs. 5, 5a and claims). The reference fails to disclose exit and pressure valves, displacing the sealing member by displacing a rod.

It would have been obvious at the time applicant invented the claimed process to use the teaching of Samad of cleaning a toilet with a brush and simultaneously provide a cleaning liquid to the surface of the toilet bowl into the processes of Martin et al and Anthony for the purpose of preventing the cleaning liquid from spilling on the other surface since exit valve and pressure release valve would prevent leakage. Furthermore, it would have been obvious at the time applicant invented the claimed process to incorporate an exit valve and a pressure release valve as disclosed by Martin et al or Anthony into the apparatus and process of Samad to enhance the controllability of the cleaning liquid in the reservoir. The exit valve and pressure release valve would reduce undesirable leakage of the cleaning liquid from the reservoir.

**Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Samad in view of Martin et al or Anthony as applied to claim 13 above, and further in view of Cansler et al.**

Samad, Martin et al and Anthony were discussed supra. However, the reference fails to disclose that bristles comprised of a nylon, polypropylene, polyester or plastic.

Cansler et al (5,195,546) disclose a method disclose brush made by synthetic bristles of nylon or polyester (see abstract).

It would have been obvious at the time applicant invented the claimed process to utilize nylon or polyester as disclosed by Cansler et al into the process of Martin et al., Anthony and Samad because nylon or polyester are known for durability and long lasting cleaning effect.

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**The Prior art**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wissler et al (3,723,015) disclose a toilet brush with a cleaning liquid in a container.

Rand 94,217,671) discloses cleaning interior of toilet bowls with brush having a reservoir housing.

Miller (4,397,056) disclose a power assisted device for cleaning toilets bowls includes an elongated stem portion having a brush at the distal end and a spray outlet port to the brush.

*Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saeed T. Chaudhry whose telephone number is (571) 272-1298. The examiner can normally be reached on Monday-Friday from 9:30 A.M. to 4:00 P.M.*

*If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Michael Barr, can be reached on (571)-272-1414. The fax phone number for non-final is (703)-872-9306.*

*When filing a FAX in Gp 1700, please indicate in the Header (upper right) "Official" for papers that are to be entered into the file, and "Unofficial" for draft documents and other communication with the PTO that are for entry into the file of the application. This will expedite processing of your papers.*

*Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-1700.*

**Saeed T. Chaudhry**  
Patent Examiner

  
FRANKIE L. STINSON  
PRIMARY EXAMINER  
GROUP 3400 1700